

TOWN OF LAKE LUZERNE  
PLANNING BOARD MEETING  
AUGUST 27, 2014  
7:00 PM

MEMBERS PRESENT: SUSAN HUNTER, DAPHNE BELANGER, JOHN KURIMSKI, JACK FAZIO, ARNOLD ALBERT AND TINA CROKE. ALSO PRESENT: ZEO SAHEIM AND LEGAL COUNSEL ROBERT REGAN.

A MOTION TO ACCEPT THE JUNE MINUTES WAS MADE BY CROKE, SECONDED BY ALBERT. ROLL CALL VOTE: HUNTER, AYE, BELANGER, AYE, KURIMSKI, AYE, FAZIO, AYE, ALBERT, AYE, CROKE, AYE. MOTION CARRIED.

A MOTION TO ACCEPT THE JULY MINUTES WAS MADE BY CROKE, SECONDED BY FAZIO. ROLL CALL VOTE: HUNTER, AYE, BELANGER, AYE, KURIMSKI, AYE, FAZIO, AYE, ALBERT, AYE, CROKE, AYE. MOTION CARRIED.

RICHARD HALL – BOUNDARY LINE ADJUSTMENT. PUBLIC HEARING OPENED AT 7:15, LEGAL NOTICE READ BY SECRETARY.

MR. HALL IS TRYING TO GET EVERYTHING IN COMPLIANCE. THERE ARE NUMEROUS CORRESPONDENCES IN FAVOR. TRYING TO MAKE ACCESS LANE WIDER TO ACCOMMODATE EMERGENCY AND CONSTRUCTION VEHICLES.

HUNTER- WE HAVE FOUR ARE THERE MORE?

MR. HALL – SANTUCCI IS NEVER HOME, MR. BALL NEVER HOME AND DIDN'T GO TO MARK'S.

ZEO – NO CALLS CAME IN FOR OR AGAINST.

HUNTER – DO THE CHANGES AFFECT THE NEIGHBORHOOD?

MR. HALL – NO. ONLY ASKING FOR 10 FT.

HUNTER – WHAT ARE THE PLANS FOR LOT 2?

MR. HALL – EVERYTHING WILL BE ON THE MARKET AND WILL DOWN SIZE INTO WHICHEVER IS LEFT.

CROKE – NO VARIANCES AT THIS POINT?

MR. HALL – NO, MET ALL REQUIREMENTS, JUST NEED MORE ROOM FOR EMERGENCY VEHICLES AND CONSTRUCTION VEHICLES, - SHOWED PICTURES & ARIAL VIEW.

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FLOOR OPEN TO PUBLIC:

MIKE O'CONNOR – ATTORNEY FOR MARK ARHARDT –  
WHEN WAS THE SUBDIVISION DONE

ZEO – APRIL 23, 2014

MIKE O'CONNOR – AT THAT TIME WAS IT IN CONFORMANCE?

ZEO – NO WAS AT THE JUNE 12 ZONING BOARD MEETING, TIME OF ORIGINAL – NOT APPROVED.

MR. HALL – WENT FOR A VARIANCE ONE TIME TO BUILD IN FRONT OF THE GARAGE AND WAS SHOT  
DOWN SO CAME BACK WITH A NEW PLAN.

MIKE O'CONNOR – WAS SEQRA DONE ON THE PREVIOUS SUBDIVISION? YOU CAN'T GIVE PRELIMINARY  
APPROVAL PRIOR TO SEQRA, WAS IT SENT TO THE COUNTY?

ZEO – NO

MIKE O'CONNOR – HAS ANYTHING BEEN DONE WITH REGARD TO THE GARAGE SETBACK THAT  
VIOLATES THE ZONING LAW AND RESTRICTIVE COVENANTS.

ZEO – WE DON'T DO COVENANTS. THAT IS SOMETHING YOU HAVE TO TALK TO OUR ATTORNEY ABOUT.

ALBERT – THIS SUBDIVISION HAS BEEN APPROVED?

ZEO – YES

ALBERT – WITHOUT REQUIRING VARIANCES?

ZEO – CORRECT

ALBERT – SO WE ARE DISCUSSING THE BOUNDARY LINE ADJUSTMENT?

ZEO – YES.

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MIKE O'CONNOR – SO IT WAS APPROVED WHEN IT NEEDED VARIANCES?

ZEO – NO IT WAS APPROVED WHEN IT DID NOT NEED VARIANCES.

ALBERT – THE SECONDED SUBMISSION DIDN'T REQUIRE VARIANCES.

ZEO – THE SUBDIVISION IS FINAL AND FILED AT THE COUNTY, SIGNED BY CHAIRMAN ON JUNE 25 AND FILED.

MIKE O'CONNOR – WHEN WAS IT APPROVED?

ZEO – APRIL 23<sup>RD</sup>.

MIKE O'CONNOR – AT THAT TIME THERE WERE NO VARIANCES.

ZEO – NOT NEEDED.

MIKE O'CONNOR – MR. ARHARDT PROPOSES THAT IT IS AN INVASION OF PRIVACY AND WILL CHANGE THE CHARACTER OF THE NEIGHBORHOOD. THE ATTORNEY SHOULD ENFORCE THE RESTRICTIVE COVENANTS, THERE IS NEW INFORMATION AND A NEW SEQRA PROCESS.

ALBERT – THIS IS UNLISTED- PAGE 5 & 6.

HUNTER - THE REAL PROBLEM IS THAT IT IS TOO CLOSE RIGHT?

MR. ARHARDT – YES.

MIKE O'CONNOR – SEQRA TAKES INTO CONSIDERATION CHARACTER OF NEIGHBORHOOD, RESTRICTIONS PUT ON BY DECLARATION – JUNE 18, 1988 FILED IN WARREN COUNTY CLERK'S OFFICE. IT IS CLASSIFIED AS UNLISTED. PRIOR VARIANCES WERE NEVER GRANTED

ZEO – CORRECT DO YOU HAVE A LIST OF WHAT IS REQUIRED TO BE FORWARDED TO THE COUNTY PLANNING BOARD?

MIKE O'CONNOR – IT IN THE BOOK

ZEO – I KNOW THAT LOT LINE CHANGES ARE NOT, VARIANCES ARE IN THERE, IF THEY ARE WITHIN 500FT.

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MIKE O'CONNOR – LOOK UNDER SUBDIVISION

ZEO – I DON'T BELIEVE SUBDIVISIONS ARE EITHER, UNLESS A MAJOR SUBDIVISION.  
I AM LOOKING UNDER TYPE II THE FOLLOWING ACTION ARE NOT SUBJECT TO REVIEW, GRANTING OF  
INDIVIDUAL SETBACK AND LOT LINE VARIANCES ARE ONE OF THOSE NOT REQUIRED UNDER SEQRA,  
CONSTRUCTION OR EXPANSION OF SINGLE FAMILY, TWO FAMILY OR THREE FAMILY RESIDENCE ON AN  
APPROVED LOT INCLUDING PROVISION OF NECESSARY UTILITY CONNECTIONS, THERE IS A LOT HERE  
NOT SUBJECT TO SEQRA

MIKE O'CONNOR – WHAT ABOUT LOT LINE VARIANCES , MUST HAVE MISSED SOMETHING

ATTY REGAN – I WASN'T AWARE THAT IT WAS THAT CLOSE TO STATE LAND. WAS THE STATE OF NEW  
YORK ON THE LIST TO NOTIFY.

ZEO – YES

HUNTER – HAS THE CHARACTER OF THE NEIGHBORHOOD BEEN ESTABLISHED

AREHARDT – NO ONE AT THAT END OF THE ROAD HAS BUILT SO CLOSE.

MIKE O'CONNOR – MAYBE WE SHOULD TABLE IT , I DON'T WANT TO SANDBAG ANYONE.

RICH HALL – EVERYONE NEEDS TO SEE DEED RESTRICTIONS.

ATTY REGAN – DEED RESTRICTIONS ARE NOTHING TO US.

HUNTER – WE HAVE TO DEAL WITH PROCEDURE YOU HAVE TO DEAL WITH DEED RESTRICTIONS, IT  
LOOKS LIKE MR. AREHART'S HOUSE WILL BE THE SAME DISTANCE AS MR. HALLS.

BOARD TALKED ABOUT WHETHER OR NOT THIS SHOULD HAVE GONE TO THE COUNTY PLANNING  
BOARD. ATTORNEY REGAN GAVE THE BOARD THE OPTIONS IN REGARD TO APPROVING OR DENYING,  
HUNTER DIDN'T FEEL COMFORTABLE NOT KNOWING IF PROCESS HAD BEEN DONE CORRECTLY OR NOT  
PREVIOUSLY. ALBERT ASKED IF IT HAD TO GO TO WARREN COUNTY PLANNING BOARD BECAUSE OF  
STATE LAND IN REGARD TO SUBDIVISION, ATTORNEY REGAN STATED THAT IF IT SHOULD HAVE THEN  
HAS TO BE DONE OVER BUT NOT REQUIRED UNDER OUR REGULATIONS.

A MOTION BY HUNTER, SECONDED BY BELANGER TO TABLE THE APPLICATION UNTIL THE BOARD HAS  
ALL THE INFORMATION NEEDED TO ACT APPROPRIATELY. ROLL CALL VOTE: HUNTER, AYE, BELANGER,  
AYE, KURIMSKI, AYE, FAZIO, AYE, ALBERT, AYE, CROKE, AYE.

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ALBERT ASKED IF THAT WAS THE ONLY ISSUE, MR. O'CONNOR FEELS THAT EACH ACTION REQUIRES ITS OWN SEQRA AND STATED THAT LAKE GEORGE HAS IN ITS CODE THAT IF THERE IS A PREVIOUS PROBLEM, THAT MUST BE CLEARED UP BEFORE GOING FORWARD WITH ANYTHING.

THERE WAS A SURVEY DONE ON MR. HALLS PROPERTY THAT SHOWED HE WAS IN COMPLIANCE, THEN A SUBSEQUENT SURVEY SHOWED HE WASN'T. THE SURVEYOR IS NO LONGER IN BUSINESS. HUNTER FEELS MR. HALL DID EVERYTHING IN GOOD FAITH. MR. AREHART FEELS IT IS IMPOSSIBLE TO KNOW WHERE THE LINES ARE AND THAT IT STILL HAS AN AFFECT ON THE VALUE AND PRIVACY OF HIS PROPERTY.

A MOTION TO ADJOURN THE PUBLIC HEARING WAS MADE BY HUNTER, SECONDED BY ALBERT. ROLL CALL VOTE: HUNTER, AYE, BELANGER, AYE, KURIMSKI, AYE, FAZIO, AYE, ALBERT, AYE, CROKE, AYE. MOTION CARRIED.

RESPECTFULLY SUBMITTED,

LORRI HOLCOMB