

TOWN OF LAKE LUZERNE
ZONING BOARD OF APPEALS
SEPTEMBER 24, 2009

MEMBERS PRESENT: DAVID COLLINS, STANLEY GOLDBERG, HELEN HEDGER, JAMES MANDLE, ROBERT FORTE. ALSO PRESENT: LEGAL COUNSEL RUSSELL THARP.

SUPERVISOR EUGENE MERLINO PRESENTED A PLAQUE TO MR. FORTE THANKING HIM FOR HIS YEARS OF SERVICE ON THE ZONING BOARD OF APPEALS AS HE RESIGNED EFFECTIVE SEPTEMBER 30TH. SECRETARY, LORRI HOLCOMB PRESENTED HIM WITH A PROCLAMATION FROM THE TOWN BOARD.

A MOTION TO APPROVE THE MINUTES OF THE AUGUST MEETING WAS MADE BY GOLDBERG, SECONDED BY COLLINS. ROLL CALL VOTE: COLLINS, AYE, FORTE, AYE, GOLDBERG, AYE, HEDGER, AYE, MANDLE, AYE. MOTION CARRIED.

WILLIG/MASON AREA VARIANCE PUBLIC HEARING-REPRESENTATIVE
DAVID AVIGDOR
PARCEL #305.12-1-4, LOCATION 30 CEDAR DRIVE

STANLEY GOLDBERG RECUSED HIMSELF.

PUBLIC HEARING WAS OPENED AT 7:35 BY CHAIRMAN FORTE.

ATTORNEY AVIGDOR- THANK YOU TO THE BOARD FOR HEARING ALL THE CONCERNS AND WORKING WITH US TO RESOLVE THIS SITUATION. THE NEW PLAN SHOWS THE DWELLING BEING 10FT FROM THE AHEARN'S AND WOULD MOVE CLOSER TO THE ROAD AND WATER BUT THE PLANS WILL ALLOW FOR A SMALLER DWELLING WITH THE SAME DESIGN AND WOULD ALSO MEET CENTERLINE SETBACK OF 12FT, IF THAT IS WHAT YOU WOULD GRANT WHEREAS 8FT WAS PROPOSED THERE WOULD NOT BE A PROBLEM COMPLYING WITH THE 12FT IF THAT IS THE BOARD WISH. MR. AHEARN IS ALSO SATISFIED WITH THE CHANGE. AS EXPRESSED IN THAT FIRST APPLICATION, IF WE MOVE THE STRUCTURE AWAY FROM THE AHEARNS BECAUSE THE LOT TAPERS WE WOULD HAVE TO GET CLOSER TO THE ROAD AND/OR WATER SO WE DID MOVE AWAY FROM THE AHEARNS AND WE DID PROPOSE A SETBACK OF 8FT FROM THE CENTER OF THE ROAD. WE ARE PREPARED TONIGHT TO HAVE YOU GRANT A VARIANCE LESS THAN APPLIED FOR AND GRANT A 12 FT VARIANCE. THAT WILL INVOLVE SLICING OFF THE CORNER OF THE HOUSE CLOSEST TO THE ROAD OTHER THAN THAT CHANGE EVERY ELSE IS THE SAME, IF THE BOARD IS COMFORTABLE WITH THAT SO ARE WE. TO PUT IT INTO CONTEXT, THE OLD DWELLING IS 17FT FROM THE CENTERLINE. WE HAVE BEEN HERE ON

TWO APPLICATIONS, THIS SECOND APPLICATION IS FURTHER FROM THE AHEARNS AND DOES NOT NEED A VARIANCE ON THAT SIDE. WE ARE GOING CLOSER TO THE ROAD RATHER THAN THE WATER BECAUSE OF THE WAY THE LOT NARROWS. THIS APPLICATION HAS UNANIMOUS APPROVAL FROM YOUR PLANNING BOARD.

CHAIRMAN FORTE – ARE YOU SAYING WE SHOULD CHANGE ON THE APPLICATION THE 8 FT SETBACK.

AVIGDOR – NO I AM SAYING OUR APPLICATION IS FOR 8 FT BUT BECAUSE THE ZONING BOARD CAN GRANT A LESSER VARIANCE THAN APPLIED FOR, WE ARE EXPRESSING COMFORT WITH A 12 FT VARIANCE. WE WOULD NOT CONSIDER COMING BACK WITH ANOTHER APPLICATION IF WE DIDN'T GET THE 8FT ASKING FOR.

CHAIRMAN – FORTE, ANY REASON FOR THAT.

AVIGDOR - YES, I THINK YOU WILL BE HAPPIER WITH IT. THAT IS THE HOPE. WE LISTENED TO THE DISCUSSION LAST TIME AND THAT WAS ONE OF THE CONCERNS, DISTANCE FROM THE ROAD SO WE WENT BACK TO THE ARCHITECT AND ASKED HOW CLOSE WE COULD GET TO THE ROAD WITHOUT TOTALLY BLOWING OUT THE PLAN AND STARTING FROM SCRATCH AND THE ANSWER AFTER A LOT OF DESIGN WORK IS 12FT. I DON'T BELIEVE THERE IS ANYONE OBJECTING TO THIS.

COLLINS – HAS THERE BEEN A NEWLY REVISED SITE PLAN FOR THIS TO THE ZONING OFFICE.

AVIGDOR – AGAIN, WE DO NOT WANT TO FORMALLY CHANGE THE APPLICATION.

COLLINS – YOU ARE CHANGING THE FOOTPRINT.

AVIGDOR – WE ARE CHANGING BY SLICING OFF THE CORNER.

COLLINS – HAS THIS BEEN FORWARDED TO THE ZONING OFFICE.

AVIGDOR-NO BECAUSE IT IS NOT PART OF OUR APPLICATION, I DON'T MIND SHARING IT AS PART OF THE PRESENTATION. I AM NOT TRYING TO BE FORMAL WITH THIS, IF I AMEND THE APPLICATION, I THINK ALLEN WOULD SAY, YOU HAVE TO GO BEFORE THE PLANNING BOARD ETC... ALL OVER AGAIN.

COLLINS – I HAVE TO PROBLEM WITH IT AS IT IS 12FT RATHER THAN 8FT VARIANCE I WOULD JUST LIKE TO SEE NEW PROPOSED SITE PLAN

FORWARDED TO THE OFFICE SO WE HAVE ACCURATE FOOTPRINT ON FILE.

AVIGDOR – WHAT I HAVE PROPOSED TONIGHT I WILL FILE WITH THE ZONING OFFICE RIGHT NOW.

MANDLE – WHEN I LOOKED AT THE NEW DRAWING THIS DIAGONAL IS HOW FAR FROM THE CENTER OF THE ROAD?

AVIGDOR – EXACTLY 12FT.

MANDLE – AND THE POINT ABOVE IT NORTH

AVIGDOR – ALSO 12FT, IF YOU LOOK AT WHAT I GAVE YOU, IT SHOWS IT.

CHAIRMAN FORTE – DOES ANYONE IN THE AUDIENCE WANT TO SPEAK?

CHAIRMAN FORTE READ A LETTER FROM MR. AHEARN IN SUPPORT OF THE NEW PROPOSED PLAN.

CHAIRMAN FORTE – I AM GLAD TO SEE 12FT SETBACK, I WAS CONCERNED ABOUT SNOW REMOVAL. CLOSED PUBLIC HEARING AT 7:50PM.

NO COUNTY IMPACT, NO SEQR REVIEW.

A MOTION TO ACCEPT THE APPLICATION WITH A 12FT SETBACK RATHER THAN 8FT WAS MADE BY MANDLE, SECONDED BY COLLINS. ROLL CALL VOTE: COLLINS, AYE, FORTE, AYE, HEDGER, AYE, MANDLE, AYE, GOLDBERG, RECUSED.

MIKE WOODSELL – AREA VARIANCE

PARCEL # 298.16-3-25

LOCATION: 121 SAGAMORE DRIVE

APPLICANT IS PROPOSING TO BUILD A DETACHED GARAGE AND CANNOT MEET FRONT YARD SETBACKS. A 30FT VARIANCE IS NEEDED FROM THE ROAD CENTERLINE.

CHARIMAN FORTE – WHAT IS THE REASON FOR THE VARIANCE.

WOODSELL – THE WAY THE LAND SLOPES AND NEEDS A GARAGE TO PUT VEHICLES IN. I TOOK TWO LOTS AND COMBINED THEM INTO ONE TO MAKE IT EASIER.

COLLINS – IS THE GARAGE 10FT FROM THE RESIDENCE?

WOODELL – YES

THERE WAS A LETTER SUBMITTED BY MR. MENELLA IN FAVOR OF THIS PROJECT, WELCOMING ANY IMPROVEMENTS TO THE AREA.

PUBLIC HEARING CLOSED AT 8:00M.

BOARD DISCUSSED THAT THERE WILL BE NO NEGATIVE AFFECT, COLLINS NOTED THAT SIMILAR VARIANCES HAVE BEEN GRANTED FOR THAT AREA.

A MOTION TO GRANT THE VARIANCE REQUEST WAS MADE BY COLLINS, SECONDED BY MANDLE. ROLL CALL VOTE: COLLINS, AYE, FORTE, AYE, GOLDBERG, AYE, HEDGER, AYE, MANDLE, AYE. MOTION CARRIED.

GEORGE MOSHER – APPLICATION REVIEW

BOARD DISCUSSED THE APPLICATION AND FOUND IT TO BE COMPLETE.

A MOTION TO ACCEPT THE APPLICATION AS COMPLETE AND SET PUBLIC HEARING FOR NEXT MEETING WAS MADE BY GOLDBERG, SECONDED BY COLLINS. ROLL CALL VOTE: COLLINS, AYE, FORTE, AYE, GOLDBERG, AYE, HEDGER, AYE, MANDLE, AYE. MOTION CARRIED.

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

RESPECTFULLY SUBMITTED,

LORRI HOLCOMB
SECRETARY

TOWN OF LAKE LUZERNE
PLANNING BOARD
SEPTEMBER 16, 2009

MEMBERS PRESENT: JACK FAZIO, WALTER KRONER, WILLIAM EDDY, ANTHONY CIRILLO, KATHLEEN MCFARLANE, JOHN KURIMSKI, TINA CROKE ALTERNATE. ALSO PRESENT: ZEO SAHEIM AND LEGAL COUNSEL RUSSELL THARP.

A MOTION TO ACCEPT MINUTES OF AUGUST 19, 2009 WAS MADE BY MADE BY EDDY, SECONDED BY KRONER. ROLL CALL VOTE: CROKE, ABSTAINED, FAZIO, AYE, EDDY, AYE, KRONER, AYE, KURIMSKI, AYE, CIRILLO ABSTAINED. MOTION CARRIED.

NICHOLSON TO HORVATH (.05 AC) BOUNDARY LINE ADJUSTMENT – MR. HORVATH WOULD LIKE TO PURCHASE THIS PIECE OF PROPERTY FROM MR. NICHOLSON TO ADD TO HIS PROPERTY AS HE WOULD LIKE TO BUILD A GARAGE AND THIS PIECE IS NECESSARY TO MEET ZONING.

BOARD DISCUSSED AND MR. HORVATH PROVIDED A LAND CONTRACT AGREEMENT FROM HIS ATTORNEY. ATTORNEY THARP STATED THAT A BOUNDARY LINE AGREEMENT WAS NEEDED RATHER THAN A LAND CONTRACT. MR. HORVATH IS TO SPEAK WITH HIS ATTORNEY TO GET SAME.

KATHLEEN MCFARLANE JOINED THE MEETING AT THIS TIME.

A MOTION TO ACCEPT THE APPLICATION AS COMPLETE AND WAIVE THE PUBLIC HEARING WAS MADE BY CIRILLO, SECONDED BY EDDY. ROLL CALL VOTE: MCFARLANE, ABSTAINED, CROKE, AYE, FAZIO, AYE, EDDY, AYE, KRONER, AYE, CIRILLO, AYE, KURIMSKI, AYE. MOTION CARRIED.

A MOTION TO ACCEPT AS A BOUNDARY LINE ADJUSTMENT WAS MADE BY CROKE, SECONDED BY EDDY. ROLL CALL VOTE: CROKE, AYE,, MCFARLANE, ABSTAINED, FAZIO, AYE, EDDY, AYE, KRONER, AYE, CIRILLO, AYE, KURIMSKI, AYE. MOTION CARRIED.

HUNT LAKE LAND HOLDINGS/WALTER BURNHAM, BOUNDARY LINE CHANGE – REPRESENTATIVE MICHAEL O’CONNOR, ESQ. – THERE WAS A MAP FILED AT WARREN COUNTY BACK IN JUNE BUT NOTHING HAD BEEN PRESENTED TO THIS PLANNING BOARD. THIS WAS SURVEYED AND THERE WAS A QUESTION AS TO WHERE THE ACTUAL LINE WAS, THE TWO OWNERS LOOKED IT OVER TOGETHER AND AGREED WHERE THE LINE SHOULD GO, THAT IS WHAT WAS PUT ON THE MAP. ATTORNEY THARP DIDN’T SEE ANY PROBLEMS WITH THIS.

A MOTION TO ACCEPT THE APPLICATION AS COMPLETE, TO WAIVE THE PUBLIC HEARING AND APPROVE AS A BOUNDARY LINE ADJUSTMENT WAS MADE BY KRONER, SECONDED BY MCFARLANE. ROLL CALL VOTE: MCFARLANE, AYE, CROKE, AYE, FAZIO, AYE, EDDY, AYE, KRONER, AYE, CIRILLO, AYE, KURIMSKI, AYE. MOTION CARRIED.

WINSLOW TO DEMARSH (10.28 AC) BOUNDARY LINE ADJUSTMENT – APPLICANT WISHES TO MOVE SOME OF HIS ACREAGE TO HIS STEPSON ON THE CORNER OF RIVER & SCOFIELD ROADS. HIS LOT WILL STILL BE A CONFORMING LOT AS WILL THE STEPSON’S. THEY HAVE 2 LOTS NOW AND THEY WILL HAVE 2 LOTS WHEN FINISHED. THE BOARD DISCUSSED. ZEO SAHEIM STATED THAT HE WILL NEED A BOUNDARY LINE AGREEMENT FOR THE ATTORNEY TO REVIEW AND MAPS.

A MOTION TO ACCEPT THE APPLICATION AS COMPLETE, WAIVE THE PUBLIC HEARING AND APPROVE THE BOUNDARY LINE ADJUSTMENT WAS MADE BY MCFARLANE, SECONDED BY KRONER. ROLL CALL VOTE: MCFARLANE, AYE, CROKE, AYE, FAZIO, AYE, EDDY, AYE, KRONER, AYE, CIRILLO, AYE, KURIMSKI, AYE. MOTION CARRIED.

GEORGE MOSHER – AREA VARIANCE RECOMMENDATION – AGENT JOE FUERST – THE PROPOSED HOUSE IS SHOWN ON THE MAP, THE BOUNDARY LINE ADJUSTMENT IS ALREADY DONE. THE HOUSE IS TO BE 62FT X 32FT, SIDELINE VARIANCES ARE NEEDED, THE SEPTIC IS IN THE BACK TRIANGULAR PORTION. A PUBLIC HEARING WILL BE HELD TO HEAR COMMENTS, ZEO SAHEIM WILL ALSO ACCEPT COMMENTS BY EMAIL.

A MOTION TO FORWARD TO THE ZBA RECOMMENDING APPROVAL WAS MADE BY CIRILLO, SECONDED BY MCFARLANE. ROLL CALL VOTE: MCFARLANE, AYE, CROKE, AYE, FAZIO, AYE, EDDY, AYE, KRONER, AYE, CIRILLO, AYE, KURIMSKI, AYE. MOTION CARRIED.

WITH NO FURTHER BUSINESS TO DISCUSS, A MOTION TO ADJOURN THE MEETING WAS MADE BY EDDY, SECONDED BY KRONER. ROLL CALL VOTE: MCFARLANE, AYE, CROKE, AYE, FAZIO, AYE, EDDY, AYE, KRONER, AYE, CIRILLO, AYE, KURIMSKI, AYE. MEETING ADJOURNED.

RESPECTFULLY SUBMITTED,

LORRI HOLCOMB
SECRETARY