

TOWN OF LAKE LUZERNE  
ZONING BOARD OF APPEALS  
APRIL 10, 2014  
7:00 PM

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

A MOTION TO APPOINT MARK MAYHEW AS ACTING CHAIRMAN WAS MADE BY MCMAHON, SECONDED BY MOELLER. ROLL CALL VOTE: PLANTIER, AYE, HEDGER, AYE, MAYHEW, ABSTAINED, MOELLER, AYE, MCMAHON, AYE.

AGENDA:

BEAVER BROOK OUTFITTERS RAFTING – DETERMINATION OF RECREATION VS. RETAIL CLASSIFICATION OF BUSINESS RECOMMENDATION TO PLANNING BOARD.

THE BOARD DISCUSSED, THE ONLY THING BEING DONE ON SITE IS THE SELLING OF THE TICKETS AND TRANSPORTING TO THE RIVER SITE FOR THE RAFTING TRIP. ONSITE WILL ALSO HAVE A SMALL STORE FOR MEMORABILIA, T-SHIRTS THINGS OF THAT NATURE.

A MOTION BY MAYHEW, SECONDED BY MCMAHON THAT THE BUSINESS BE CLASSIFIED RETAIL. ROLL CALL VOTE: PLANTIER, AYE, HEDGER, AYE, MAYHEW, AYE, MOELLER, AYE, MCMAHON, AYE. MOTION CARRIED.

NEIL & JANET SHANAHAN – AREA VARIANCE  
23 FIFTH AVENUE – HAMLET RESIDENTIAL ZONE  
PARCEL ID# 298.16-2-29

APPLICANT IS REQUESTING RELIEF FOR THE FRONT YARD SETBACK FROM 60 FT TO 54 FT AND REAR PROPERTY LINE SETBACK RELIEF FROM 25FT TO 12 FT. THE TOWN HAS ENCROACHED ON THEIR PROPERTY WHEN MAKING THE CORNER FOR PLOWING. IT WAS MENTIONED AND SHOW ON SITE PLAN. ZEO SAHEIM DENIAL LETTER STATED TOO CLOSE TO CENTER LINE OF ROAD.

RESIDENTS NOTIFIED OF PUBLIC HEARING ARE AS FOLLOWS: HEIDE, SKORNEY, MCGUINN, SCHAFFER, KINGSTON, GULLIE, LAYMAN, BRABOWSKI, MCGUINN, C., HANRAHAN, THOMAS, WOLK, HORWEDEL, GOCA, ROSENBLUM, COOPER, QUACKENBUSH, CALLAGHAN, ESTEP/HOLTZMAN, ROGERS, HICKEY, DEVIR, MCGUIRE, MCGUINN, A., DEITCHER, FRIEDMAN, WOODS, MARTENS, CARR, STERN, LUZERNE HADLEY FIRE DEPT., BERKOWITZ, WEISS, STRY, FELDMAN, BREZNER, URY, FARMER, GRABOWSKI, M., LEGACE, DAFFNER, PHELAN, MCCARTAN, KING, ENGLISH, HORWEDEL, H., SMITH, SEMON, PORTER, MEYER, ROSCH, CENADAS, BOELL, BUCKLEY, CURRAN, POINTEK, ARNOLD AND LEOUSSIS.

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A MOTION TO OPEN THE PUBLIC HEARING AT 7:20 WAS MADE BY MAYHEW, SECONDED BY MCMAHON. ALL IN FAVOR.

SECRETARY READ THE PUBLIC NOTICE

CORRESPONDENCE RECEIVED AND ENTERED INTO THE RECORD – EMAIL RECEIVED FROM JOAN MARTENS. DEAR MR. SAHEIM, I AM IN RECEIPT OF THE NOTICE OF PUBLIC HEARING ON THURS. APRIL 10 @ 7PM TO HEAR COMMENTS ON A VARIANCE APPLICATION CONCERNING PROPERTY LOCATION 23 5<sup>TH</sup> AVE. (LUZERNE HEIGHTS) I AM UNABLE TO ATTEND IN PERSON AND THEREFOR AM SUBMITTING THIS LETTER TO YOU AND ALSO FOR MR. STANLEY GOLDSTEIN, CHAIR OF THE ZONING BOARD OF APPEALS AND THE BOARD MEMBERS. FIFTH AVENUE IS A NARROW SINGLE FILE ROAD AND THE CURRENT 64 FT LEGAL SETBACK FOR BULDING HELPS PROVIDE AN ORDERLY, MORE OPEN AND SPACIOUS LIVING ENVIRONMENT IN A SMALL AREA RATHER THAN ALLOW THE REQUESTED CHANGE WHICH WILL CONTRIBUTE TO MORE CROWDED LIVING CONDITIONS. RECENTLY, THE INCREASED SIZE OF A NEW NEIGHBORHOOD BULDING DETRACTS FROM THE OVERALL QUALITY OF THE NEIGHBORHOOD. THE CONTINUED EXPANSION OF HOME SIZE IN A SMALL COMMUNITY IS A DETRIMENT TO THE PRESERVATION OF THE ADIRONDACK ENVIRONMENT, ONE BUILDING AT A TIME. AND ISN'T THE ENVIRONMENT THE REASON PEOPLE WANT TO LIVE HER? AT THIS TIME WHEN THE CURRENT HOUSE IS OCCUPIED THE LIGHTS SHIN DIRECTLY INTO MY BEDROOM WINDOWS RESULTING IN THE NECESSITY OF HAVING TO KEEP MY CURTAINS CLOSED AND BLOCKING AIR. THEREFORE, SHORTENING THE CURRENT DISTANCE BETWEEN THE HOUSES WOULD NOT BE DESIRABLE AND I REQUEST THE CURRENT SETBACK BE MAINTAINED. ONE OF THE AREAS OF RECENT PROBLEMS IS THE USE OF HI POWERED LIGHTS WHICH INVADE NEGHBORS HOMES DUE TO THE INCREASING CLOSENESS. THE CONTINUED EFFORT TO PRESERVE THE QUALITY AND CHARACTER FO THE NEIGHBORHOOD HELPS TO ENSURE THE WELL BEING OF THE ENTIRE COMMUNITY RECENTLY SCARED BY THE CUTTING OF TREES AND VISUALLY BLOCKING OPEN SPACE FROM PRIVATE USE. (THESE COMMENTS ALSO APPLY TO THE VARIANCE FOR THE REAR OF THE PROPERTY. TOO CLOSE FOR COMFORT, AS HAS BEEN SAID, GOOD FENCES MAKE GOOD NEIGHBORS.) WITH SINCERE APOLOGIES TO THE HOMEOWNER, I REQUEST THE VARIANCE BE DENIED. RESPECTFULLY SUBMITTED, JOAN MARTENS, 28<sup>TH</sup> FIFTH AVENUE, LAKE LUZERNE. CORRESPONDENCED RECEIVED FROM MARILYN GRABOWSKI – DEAR MEMEBERS OF THE BOARDS, I AM WRITING TO CONVEY MY SUPPORT FOR THE PROPOSED RE-DEVELOPMENT OF THE ADJOINING PROPERTY AT 23 FIFTH AVENUE, LAKE LUZERNE. WE HAVE BEEN INFORMED THAT THEY PALN TO REPLACE THE EXISTING SEASONAL STRUCTURE WITH A NEW ONE. WE ARE

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AWARE THAT THE NEW STRUCTURE WILL REST TWELVE FEET FROM OUR MUTUAL PROPERTY LINE AND HAVE NO PROBLEM WITH IT. IN ADDITION TO INCREASING THE SPACING WHICH IS FOUR FEET FURTHER AWAY THAN THE CURRENT STRUCTURE, THE RESULT WILL BE A TASTEFULLY DESIGNED RESIDENCE, WHICH WILL NOT ONLY IMPROVE THE OWNER'S PROPERTY, BUT THE NEIGHBORHOOD AS A WHOLE. I WOULD LIKE TO POINT OUT THAT THE OWNERS ARE CLOSE RELATIVE WHICH PROVIDED AN ADDED REASON FOR SUPPORTING THE DEVELOPMENT. THANK YOU FOR YOUR ATTENTION TO THIS MATTER. PLEASE DO NOT HESITATE TO CONTACT ME SHOULD YOU HAVE ANY QUESTIONS. KIND REGARDS, MARILYN GRABOWSKI, 20 FOURTH AVENUE, LAKE LUZERNE, NY, 240 RANDOLPH ROAD, FREEHOLD, NJ 07728. MAYHEW – SHE SAID COMMON BORDERLINE – IT IS BORDER POINT? ZEO PART OF HER PROPERTY IS ON THE BORDER AND THEY RECENTLY PHONE CALLS RECEIVED BY ZEO SAHEIM, BREZNER, 19 FIFTH AVENUE, NO OBJECTION AND ESTEP, 11 SIXTH AVENUE, NO OBJECTION.

SCOTT FREIDMAN - 22 5<sup>TH</sup> AVENUE – SPOKE IN OPPOSITION, WANTS TO MAINTAIN CURRENT SETBACKS AND IS WORRIED ABOUT THE TAXES INCREASING AND THE FACT THAT THEY ARE ENCROACHING MORE AND MORE WITH ALL THE NEW HOMES.

MAYHEW – IN THE LAST 4 – 5 YEARS TOWN HAS BEEN PUSHING TO GET REGULATIONS UPDATED BUT DECISIONS HAVE TO BE WEIGHED ON REQUIRMENTS AND OWNERS RIGHTS. THE BOARD SHALL ONLY GRANT A MINIMAL VARIANCE NECESSARY AND CAN IMPOSE CONDITIONS.

FRIEDMAN – IF THE FAMILY IS ACQUIRING ALL THE LAND AND OWN THE ADJACENT LOT THEY SHOULDN'T NEED TO ENCROACH PUSH THE HOUSE BACK AWAY FROM 5<sup>TH</sup> AVENUE.

MAYHEW – THEY ARE ALREADY 12 FT FROM THE REAT.

FRIEDMAN – YOU ALL KNOW THE PEOPLE FROM THE HEIGHTS ARE NOT HERE THIS TIME OF YEAR AND WOULD HAVE A BETTER TURN OUT IN JULY.

MOELLER – THERE AREA SEVERAL WAYS FOR PEOPLE TO COMMUNICATE.

ZEO – 59 LETTERS WENT OUT, LESS THAN 10 ARE LOCALS.

FRIEDMAN – NOT COMFORTABLE WITH 5<sup>TH</sup> AVENUE LOOKING LIKE BROADWAY.

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7:00 PM

SANDY LEGACY – 14 4<sup>TH</sup> AVENUE – WHAT IS THE PERCENT OF INCREASE?

MAYHEW – FAR AMOUNT LARGER.

LEGACY – LOOKS LIKE IT IS FOUR TIMES LARGER AND NUMBER OF TREES WOULD HAVE TO BE REMOVED, IS THAT SOMETHING BOARD CONSIDERS?

MAYHEW – PLANNING BOARD WOULD ADDRESS THAT.

LEGACY – THEY ARE TEARING DOWN ONE TO REBUILD ANOTHER, IT WILL CHANGE THE CHARACTER OF THE HEIGHTS, SOMETHING GOOD SHOULDN'T BE TORN DOWN, IF SOMETHING HAPPENED TO MY CAMP COULD I REBUILD?

ZEO – IF A NATURAL DISASTER YOU HAVE ONE YEAR TO USE THE SAME FOOTPRINT.  
FOR THE SAKE OF MODERNIZATION I AM OPPOSED TO MAKING CAMP FOUR TIMES LARGER.

BOB ENGLIS – 13 4<sup>TH</sup> AVE – FAMILY MEMBER - UNDERSTAND WHAT SANDY IS SAYING, THEY HAVE BEEN COMING HERE SINCE THE 1920'S AND ARE IN THE FIFTH GENERATION. NOT SURE IT IS REALLY FOUR TIMES LARGER BUT THEY ARE PLANNING ON RETIRING HERE. KIRBY MASON PROPERTY IS OUT OF CHARACTER. THEY JUST WANT TO BUILD NEW AND BE ABLE TO CONTINUE TO PASS IT DOWN.

FRIEDMAN – WITNESSING WHAT IS HAPPENING ON BROADWAY, NEW HOUSE CREEPING UP BROADWAY, PLEASE KEEP THE LITTLE ROADS THAT WAY WITH SMALL CAMPS.

LEGACY – MODERNIZE BUT WITH SAME SIZE.

MAYHEW – THE PLANNING BOARD WOULD GO THROUGH ALL OF THAT. ZBA ONLY LOOKS AT VARIANCES.

LEGACY – HOW DO WE KNOW WHAT WOULD HAPPEN TO TAXES WITH SO MANY NEIGHBORS IMPROVING SO MUCH

ZEO – TALK TO THE ASSESSOR.

TOWN OF LAKE LUZERNE  
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APRIL 10, 2014  
7:00 PM

A MOTION TO CLOSE THE PUBLIC HEARING AT 8:08 PM WAS MADE BY MAYHEW, SECONDED BY MOELLER. ROLL CALL VOTE: PLANTIER, AYE, HEDGER, AYE, MAYHEW, AYE, MOELLER, AYE, MCMAHON, AYE. MOTION CARRIED.

THE BOARD DISCUSSED CENTER LINE OF ROAD IS NOT ACTUALLY THE CENTER OF THE ROAD, IT IS ACTUALLY WIDER AND IT WOULD BE ADVANTAGOUS TO FIND REAL LINE.

MAYHEW – ISN'T OUR JOB, MEASURED AND IT IS NOT ALL THAT CLOSE TO SCALE, BUILDING AND PROPERTY MIGHT BE BUT SETBACK MEASUREMENTS ARE NOT, THERE IS A NATIONAL GRID POLE IN THE WAY AS WELL AS A HYDRANT ON THE CORNER, NOT IN FAVOR OF EITHER VARIANCE.

1. UNDESIRABLE CHANGE – YES - PROPOSED HOME IS SO MUCH BIGGER
2. CAN THE BENEFIT BE SOUGHT OTHER THAN WITH AN AREA VARIANCE – YES- MAKE IT SMALLER.
3. IS THE VARIANCE SUBSTANTIAL – YES 52 %
4. WILL IT HAVE AN ADVERSE AFFECT – YES – TO THE BOARDING NEIGHBORS DUE TO TREE REMOVAL AND PROPER SEPTIC SYSTEM.
5. WAS IT SELF CREATED – YES.

A MOTION BY MAYHEW, SECONDED BY HEDGER TO DENY LEFT AND FRONT VARIANCE AS WELL AS 12 FT REAR VARIANCE. ROLL CALL VOTE: PLANTIER, AYE, HEDGER, AYE, MAYHEW, AYE, MOELLER, AYE, MCMAHON, AYE. MOTION CARRIED.

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

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

RESPECTFULLY SUBMITTED,

LORRI HOLCOMB  
SECRETARY