

Town of Lake Luzerne
Zoning Board of Appeals Meeting
January 12, 2023

Chairman Palitsch called the meeting to order at 7:03 pm with the following members present: James Moeller, Rayl Zubal, Burgess Ovitt, and alternate Michael Bordeau. Also present were Zoning Enforcement Officer Karen Putney, and Deputy Enforcement Officer Kristopher Kassay.

After reciting the pledge of allegiance, Chairman Palitsch thanked his members for completing their mandatory training for the year 2022 and shared that the town is currently working on acquiring an attorney but is currently without counsel. Palitsch shared that he was contacted by James Niles from the Town Board who explained the situation and asked what was going on at the upcoming ZBA meeting, which being a review of an area variance for completion the Chairman felt we could do so without counsel present. Palitsch asked if anyone has any objection to that, with no response he cited the agenda:

I. New Application: Area variance 2022-AV7 for Michael LePage, parcel # 318.1.1-16, 7 Ralph Rd. for a front yard setback request

II. Approve minutes from ZBA meetings: September, and October 2022

III. New/Old Business

Applicant Michael LePage accompanied by Monica Alden requested relief of 7.6 feet (later revised to 3.6 feet) from the 75' minimum front yard setback required by Residential Town (RT) zoning because the foundation was set closer to the road due to an unforeseen large rock that could not be removed during preparation of the site.

ZEO Putney mentioned that the applicants had provided two surveys, one that was submitted for the home permit application and another that was taken after the foundation was set and that she had added to the drawing a landing onto the front entrance even though the applicant plans on building the minimum 4' x 4' landing that is open to the sky, she wanted it to be noted that there are four more feet being taken away from what the setback variance request is asking for from the 75' required.

James Moeller confirmed with Putney that the code says without a roof that they need not worry about it.

Moeller asked the applicant if they were unaware that they shifted the house until after the second survey.

LePage stated the bank made them resurvey after the foundation was poured which is when they found out it had been moved from the planned location.

ZEO Putney added that when the applicants had the second survey done and found out the foundation had been moved forward, she told them they more or less had to go ahead and place the modular house because when its coming there is not much you can do about it with the scheduling of lifts and everything to put the house on, you're kind of on their timeline at that point.

LePage explained they had to fire the first contractor because he did nothing for 8 months and a second contractor was hired to prepare for setting the house.

Moeller asked if their contractor documented any of the attempts to remove the ledge rock.

Alden shared photos of the foundation in relation to the road and stated that she had photos on her phone of the contractor jackhammering the rock in an attempt to move it.

Chairman Palitsch reading the application seeking relief from Article V: Table A, Front Yard Setback, noted the proposal of a 67.4' setback and asked ZEO Putney if 71.4' would be correct.

Putney - I put 67.4' because of the 4x4 landing but if it doesn't have a roof it doesn't count toward the frontage.

Palitsch- Do you have any objection to us changing it to 71.4'?

Alden - That's fine

Putney - The other thing that needs to be changed is the question of county referral on the application, should be amended from no to yes because it is within 500 feet of a state of county highway.

Chairman Palitsch read from the application that the property was cleared but there were obstacles due to the amount of rock on the land.

Palitsch asked if there are words missing from the proposed action description because the applicant's sentence was incomplete.

ZEO Putney - I would just cross those three words off.

Palitsch - If we cross off those three words, then it makes perfect sense.

Palitsch asked board members if they're ok with him reading through the entire application and holding discussion until afterwards.

Palitsch confirmed the completeness of the application package, and after reading the applicants description of the actions taken to try to remove the obstacle, Moeller requested proof or receipt of the additional expenses incurred and suggested an affidavit or appearance by the contractor to which the board unanimously agreed upon.

Palitsch reading applicants answer for what makes the request substantial felt it does not answer the question, seconded by Moeller who asked applicant to elaborate more on the submitted application.

Palitsch asked if applicant would like to change their answer and after discussion, applicant changed their submitted answer to state the requested change from the distance to the center of the road is only a 4' change and it is a small amount.

Alden volunteered to share a video on her phone of the contractors attempts to remove the rock, but Chairman Palitsch stated such would be helpful at the public hearing if the application is approved.

With no further questions from the board chairman Palitsch made a motion to accept the variance package 2022-AV7 for Michael LePage, parcel # 318.1.1-16 as amended, seconded by James Moeller.

All in favor: 5, Opposed: 0, motion carried.

Motion to set a public hearing for area variance package 2022-AV7 for February 9th, 2023, at 7:05pm by Chairman Palitsch was seconded by Michael Bordeau.

All in favor: 5 Opposed: 0, motion carried.

II. Approve minutes from ZBA meetings: September, and October 2022

After reviewing the minutes from September and October 2022, James Moeller made a motion to accept both sets of minutes as printed, seconded by Chairman Palitsch.

All in favor: 5 Opposed: 0, motion carried.

III. New/Old business

Chairman Palitsch driving down Potash Rd found out that Mr. Charland has hired someone to complete construction of the building which helps with the concern of it being completed by April.

Chairman Palitsch notified the board members that there is a comprehensive plan presentation on February 7th, and a workshop on short term rentals on February 16th at the Town Hall if anyone is interested. Palitsch was contacted by Counselman Niles who requested that he invite all the members of the zoning board of appeals as they are getting close to completing their comprehensive plan.

At the next ZBA meeting Chairman Palitsch would like to discuss the list of items that Annie McMahon has compiled of issues relating to the zoning ordinance with the goal of presenting amendments to the Town Board in the future such as a height restriction and changes to the zoning map.

ZEO Putney requested that board members interested in attending the upcoming training in Saratoga submit their paperwork by the 24th.

Chairman Palitsch made a motion to adjourn at 7:43pm, seconded by Rayl Zubal.

All in favor, 5 Opposed: 0, motion carried.

Respectfully submitted,

Kristopher Kassay