

Town of Lake Luzerne

Zoning Board of Appeals Minutes

May 11, 2023

After reciting the pledge of allegiance, Chairman Matthew Palitsch called the Zoning Board of Appeals meeting to order at 7:00pm with the following present: James Moeller, Annie McMahon, Rayl Zubal, Michael Bordeau, Zoning Enforcement Officer Karen Putney, Deputy Zoning Enforcement Officer Kristopher Kassay, and Attorney Mary Kissane. Also present: Michael Goodhart, agent for owners Nancy Seid & Matt Witten, Lisa Williams, and Chris Gomoka, agent for owner Lisa Williams.

Chairman Palitsch opened the Public Hearing at 7:05pm with the following items on the agenda.

I. Public Hearing: Area Variance 2023AV-2

Parcel number: 292.8-1-6

Location: 528 Gailey Hill Road, Hamlet Residential (HR) zone, 0.28 acres Applicant: Nancy Seid & Matt Witten (represented by Michael Goodhart)

II. Public Hearing: Area Variance 2022AV-4

Parcel number: 285.-2-11

Location: 349 Gailey Hill Road, Residential Rural (RU) zone, 1.29 acres Applicant: Lisa Williams (represented by Chris Gomoka)

III. Accept minutes: January 12, 2023, and April 13, 2023

IV. Old/new business

I. Public Hearing: Area Variance 2023AV-2

-Application was accepted as complete on April 13, 2023, for a second variance request for a side yard setback relief.

-Proposed side yard setback would result in one side yard with a 10-foot 3-inch setback and the other with a 12-foot 6 inch setback for a total of 22 feet 9 inches.

-A total of 30 feet is required for side yard setback, with a minimum on one side of 10 feet, requiring a variance relief of 7 feet 3 inches.

-Previous request reduced to 7 feet and 3 inches relief of variance by changing dimensions of proposed seasonal porch addition.

-SEQR exempt under 617.5 (C) (16).

-Warren County response received and determined to have no county impact (NCI).

-APA wetlands located on or near parcel; APA Non-Jurisdictional determination received.

-Three responses received by email on file in favor of the area variance.

Amy Seid and Richard Solomon, residents of 536 Gailey Hill Road on 4/29/23.

Mary (Abby) Gruen and Robert Graubard, residents of 10 Hillcrest Drive on

5/8/23. Rachel Witmer, resident of 523 Gailey Hill Rd on 5/8/23.

Annie McMahon made a motion to approve the application for area variance 2023AV-2. Zoning Board Members voted with additional rationale:

Bordeau: **No**, reason being this is a substantial variance and there would not be enough room to access the septic system after the addition.

Zubal: **No**, it is a self-created difficulty, more of a want.

McMahon: **Yes**, a reasonable want and does not think it would be a problem to access the septic after the addition.

Attorney Kissane: I think let's stop with the rationale behind the answers and we will depend on what we've already said.

Moeller: **Yes**.

Palitsch- **Yes**.

All in favor: 3, Opposed: 2, carried.

II. Public Hearing: Area Variance 2022AV-4

-ZEO Putney stated a correction to the cover sheet from April 13, 2023. The month indicated on the cover sheet was March but should have been April.

-Public hearing for relief of Article 6, B5: height variance for a 51'x30' 3-bay storage accessory structure that was measured by ZEO Putney and James Moeller to be 17' 9" from the lowest point to the bottom of the roof ridge.

-There is no height on the application, submitted drawings are generic and refer to

multiple sizes.

-Applicant/owner combined the adjacent parcel that has a permitted principal structure dwelling that was measured by ZEO Putney and James Moeller to be 12'9" in height.

-Maximum height allowed for an accessory structure is 18' or the height of the principal structure, whichever is less.

-Measurement was taken by ZEO Putney and James Moeller when investigating the accessory structure that is currently in violation after it was built.

-Accessory structure was erected without a permit on a parcel without a principal building, mostly within the footprint of the original dwelling.

-Former dwelling on parcel was 72'x28' and 19 feet in height.

-Owners had wanted to use the preexisting home as a storage building, but it became structurally unsound and had to be demolished.

-Correspondence with owner/applicant pertaining to this violation started on November 9, 2021. ZEO had suggested combining the two lots, but height restriction is still an issue.

-Not SEQR exempt.

-APA Non-Jurisdictional.

-Three residents in attendance voiced approval of the variance.

Theodore Beaudet, resident of 352 Gailey Hill Road stated that he has no objections and that the building torn down was an eye sore, probably the worst in Lake Luzerne.

Russell Beaty, resident of 10 Bay Road stated the previously existing building was an eyesore, a lot higher than what is there now, and that the new building improved the property.

Anita Beaudet, resident of 352 Gailey Hill Road concurred with statements in favor of the variance and that since nothing was received in opposition that such is an indication that people are fine with this improvement.

-One opposition of the variance was voiced via Zoom.

Edward Babcock, resident of 321 Gailey Hill Road stated that the tall metal structure is unique to the neighborhood and does alter the character. He is not sure if other alternatives were explored and the fact that the applicants are here suggests they did not apply for a permit to begin with, and that should be considered a very substantial request and a self-created difficulty. Ultimately, there are other people on Gailey Hill Road that we heard today that raised appeals to this Board before in advance of constructing improvements to their property. The previous applicant sought approval in advance, but the current applicant did not, which is not in accordance with the spirit of what this Board is looking to achieve.

Chairman Palitsch left the Public Hearing open with no further action taken to allow applicant to submit the actual measurements of the principal structure and accessory building to the Zoning Board of Appeals, which are required to determine what the specific variance request is.

**III. Accept minutes: January 12, 2023 and April 13, 2023
James Moeller made a motion to accept January's minutes, seconded by Matthew Palitsch. All in favor: 5, Opposed: 0, carried.**

IV. Old/New Business

Palitsch- I am woefully negligent in doing anything regarding Karen's comments on zoning issues, so I need to take care of that. I don't have anything additional.

Putney- I don't have anything to report today.

Moeller- Can I ask about Mr. Reed and where we are with that?

Putney- He has submitted a preliminary plat to the Planning Board, they're having a public hearing on that on May 24 and the subdivision maps have been submitted to the Town Engineer to make sure the roads and everything are designed to subdivision specs.

Moeller- How did he do with the APA?

Putney- He has not finished with the APA, that's partially why he brought it to the Planning Board. Their application with the APA is incomplete because they needed determination by the town whether they're going to be willing to accept the road and stormwater management system.

Zubal- Do we have any regulation on the size of real estate signs? They're huge, just terrible looking.

Putney- Yes, no more than twelve square feet in area.

Palitsch- One more thing, this is a picture of the building on the Williams' property that was going to be turned into a storage facility but was dilapidated and could not be, so it was demolished which they did get a permit for.

Chairman Palitsch made a motion to adjourn the meeting at 7:57pm, seconded by Michael Bordeau.

Respectfully submitted,
Kristopher Kassay