

Zoning Board of Appeals

June 8, 2023

Prior to the meeting being opened, Applicant Lisa Williams was notified by a phone message at 6:50 p.m. that their Variance 2022AV-4 was tabled for the evening as they intended to participate via ZOOM and we had no remote attendance capability for this meeting.

Meeting called to order at 7:03 p.m.

Pledge of Allegiance

Roll Call: Chairman Matt Palitsch, Jamie Moeller, Ray Zubal, Burgess Ovitt, Michael Bourdeau. Also present Mary Elizabeth Kissane, Town Attorney, and Karen Putney, Zoning Officer.

The Zoning Board and public present were informed that there were no (ZOOM) remote capabilities available for the meeting and the Lisa Williams Variance 2022AV-4 was being tabled for the evening as the applicant had planned to attend via Zoom.

Item I—New Variance Application

Area Variance 2023AV-3, Applicant Ed Bus, 1369 Lake Avenue, asking for a side yard setback. Ten (10) feet is required and he is proposing 5 feet. The project is exempt from SEQRA review per Section 617.5 (c) (16). Adirondack Park Agency jurisdictional inquiry is in progress. The Zoning Board of Appeals (ZBA) proceeded to go over the application for completeness. The ZBA had him change the municipal boundary question from “no” to “yes” as he is within 500 feet of State Route 9N.

Item 1 on application: ZBA accepted answer as complete.

Item 2 on application: Chairman Palitsch questioned why the proposed shed on the survey is at 11 feet off the property line when the application is asking for 5 feet. Ed Bus was not sure as he had told the surveyor he was asking for 5 feet and the old snowmobile trailer that he had been using for storage was 5 feet off the line of trees. There is a hand drawn plot plan in the file indicating the 5 feet ask. He is looking for accessibility to get behind the motel because that is where the septic are. Attorney Kissane advised the only purpose of the survey was to find the property line, there is no reason for the proposed shed to be on the survey and that is illegal to modify a stamped survey. The ZBA accepted the question as answered.

Item 3: The ZBA did not feel the question of substantial was answered. Ed Bus indicated he now better understood the question and that even though he knew 5 feet was a substantial reduction he needed the reduction to be able to get heavy equipment in to do repairs. After discussion the answer was changed to “not Substantial”.

Item 4: ZBA agreed the question was answered.

Item 5: The ZBA did not feel the question was answered. There was discussion regarding how to answer the question of something being “self-created”. After discussion with the Attorney, in this case, not as common practice in variance application reviews, the Board could accept a change to that answer after the meeting and submit it to the Zoning Office so as not to hold up moving forward with the Public Hearing. The attorney advised that the ZBA can consider the application as complete as he has answered all the questions, the ZBA is just asking for different information as long as he has this information in to you before the Public Hearing. Jamie Moeller made a motion to accept the application as complete but is asking for more information on questions 3 and 5. Seconded by Matt Palitsch. Roll call, all voted yes, passed.

Matt Palitsch made a motion to set the Public Hearing for Area Variance 2023AV-3 for July 13th at 7:05 p.m. Seconded by Burgess Ovitt, all in favor, yes, passed.

Next item on the agenda is Area Variance 2022AV-4. The Board is not taking any action on it tonight as there ws no Zoom capability.

Next item on the agenda is to approve minutes from past meetings.

Jamie Moeller made a motion to accept the minutes of the April meeting, seconded by Matt Palitsch. All voted in favor, none opposed, passed.

Matt Palitsch made a motion to accept the minutes of the May 11th meeting, seconded by Ray Zubal. All voted in favor, none opposed, passed.

Next item on agenda is new and old business. Matt Palitsch talked about the Short Term Rental Local Law being adopted and that Deputy Kris Kassay has been named Short Term Rental Officer.

With no further business, Matt Palitsch made a motion to adjourn, seconded by Jamie Moeller, all voted in favor, meeting was adjourned at 7:38 p.m.

Respectfully submitted,

Karen Putney, Zoning Officer