

Town of Lake Luzerne

Zoning Board of Appeals Minutes

August 10, 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 Town Attorney Mary Kissane. Also present: Stanley Goldberg, Dan Levy, Paul Taylor. Lisa Williams, and Chris Gomoka, agent for owner Lisa Williams were attending virtually via Zoom.

Chairman Palitsch opened the Zoning Board of Appeals meeting with the following items on the agenda.

- I. Public Hearing: Area Variance 2023AV-4
Parcel number: 292.8-1-2
Location: 753 Lake Ave, Hamlet Residential (HR) zone, 0.43 acres
Owner/Applicant: Christina Fonda
- II. Tabled Application: Area Variance 2022AV-4
Parcel number: 285.-2-12
Location: 349 Gailey Hill Road, Residential Rural (RU) Zone, 1.29 Acres
Owner/Applicant: Lisa Williams, represented by Agent Chris Gomoka
- III. Accept minutes: July 13, 2023
- IV. Old/new business

I. Public Hearing: Area Variance 2023AV-4

- The Public Hearing for Christina Fonda, 753 Lake Avenue, Lake Luzerne was cancelled as the applicant withdrew their application.

-Attending residents inquired about the Short-term Rental permit status of the dwelling at 753 Lake Avenue and its Zoning designation, use of a dwelling on a substandard lot, Zoning regulations, definitions, and restrictions pertaining to Short-term Rentals in Lake Luzerne.

II. Tabled Application: Area Variance 2022AV-4

- Public Hearing closed and Application was tabled at July 13, 2023 meeting. Applicants had offered an affidavit regarding tree cutting on property which was subsequently submitted and distributed to members of the Zoning Board of Appeals prior to the August 10, 2023 meeting.

-The Zoning Board of Appeals determined that granting this variance will create an undesirable change in the character of the neighborhood and it will be detrimental to nearby properties. The properties surrounding the applicant's property are zoned rural residential. The character of the neighborhood contains wooded lots with residential homes on them. The accessory structure built by the applicant is a large steel storage structure, had a height exceeding the principal structure that would create an undesirable change, and is not compatible with the character of the neighborhood as there are no other similar structures which exceed the height of the principal structure in that neighborhood. Additionally, the structure that this accessory structure replaced was a residential home which was consistent with the character of the neighborhood before being replaced.

-The applicant has not demonstrated that this benefit cannot be achieved by other means feasible to the applicant as they have not demonstrated any other means were considered or that a lesser variance would have sufficed for their purposes. There's been no demonstration as to why a 13-foot nine-inch structure is not feasible.

-The request for relief is substantial as it is a 29 percent variance request.

-While no environmental impact was found during the SEQRA review, as stated in paragraph three there are adverse physical impacts to the neighborhood as a new accessory structure is a large steel structure which is four feet higher than the principal structure which is out of character to the neighborhood as there are no other accessory structures in that neighborhood that are higher than the principal structure.

-The variance is a self-created difficulty as it is the applicant who wishes to construct an accessory structure in excess of the height requirements contained in the land use code.

Matthew Palitsch made a motion to deny Area Variance application 2022AV-4, seconded by Michael Bordeau. All in favor: 5, Opposed: 0, carried.

III. Accept Minutes: July 13, 2023

Rayl Zubal made a motion to approve minutes from July 13, 2023, seconded by Annie McMahon. All in favor: 5, Opposed: 0, carried.

IV. Old/New Business

-Chairman Palitsch acknowledged this is Annie McMahon's last meeting as a member of the Zoning Board of Appeals as she will be sworn in as a member of the Town Board at the upcoming Town Board meeting.

-Chairman Palitsch acknowledged that the Town Board has made alternate Michael Bordeau a permanent member of the Zoning Board of Appeals.

-The Zoning Board of Appeals discussed allowing applicants, agents, and comments from the public through Zoom.

Chairman Palitsch made a motion to take no comments from applicants or the public through Zoom, seconded by Rayl Zubal. All in favor: 5, Opposed: 0, carried.

-The meetings will still be available for viewing by the public and live-streamed on YouTube, but public comment will not be allowed.

Chairman Palitsch made a motion to adjourn the meeting at 8:40pm, seconded by Michael Bordeau. All voted in favor of adjournment.

Respectfully submitted,
Kristopher Kassay