

Town of Lake Luzerne

Zoning Board of Appeals Minutes

November 9, 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, Burgess Ovitt, Rayl Zubal, Michael Bordeau, Kayla Jarrell, Zoning Enforcement Officer Karen Putney, Deputy Zoning Enforcement Officer Kristopher Kassay, and Town Attorney Mary Kissane. Also present: James Miraglia and Thomas Varmette.

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

- I. Public Hearing: Area Variance 2023AV-6
Parcel No.: 305.12-1-6, HR (Hamlet Residential) Zone, .20 Acres
Location: 877 East River Drive
Owner/Applicant: Thomas Varmette

- II. Public Hearing: Area Variance 2023AV-5
Parcel No.: 298.8-1-13, RU (Residential Rural) Zone, .42 Acres
Location: 49 Valeria Drive
Owner/Applicant: James Miraglia and Suzanne Roberts--Owners

- III. Accept minutes: March 9, 2023 and October 12, 2023

- IV. Old/new business

I. Public Hearing: Area Variance 2023AV-6

877 East River Drive owner Thomas Varmette seeking variance for shoreline setback of existing attached deck.

Required shoreline setback is 75 feet and the current setback is 30 feet.

SEQR: Shoreline setback - Type II exempt per 617.5 (c) (16).

County Planning - No County Impact determination received.

Applicant has contacted the APA who is sending an engineer on November 20, 2023, to collect information necessary for the agency to make a determination.

Matthew Palitsch made a motion to table Area Variance application 2023AV-6, seconded by James Moeller. All in favor: 5, Opposed: 0, carried.

II. Public Hearing: Area Variance 2023AV-5

49 Valeria Drive owners James Miraglia and Suzanne Roberts seeking retaining wall variances for side yard setback, shoreline setback, length, and height of proposed retaining wall.

Dimensions on the application have changed since the September 14, 2023 meeting as the original measuring method was not satisfactory to the APA's standards.

Required shoreline setback is 75 feet and the proposed shoreline setback is now **37.36 feet**.

Side yard setback requirement is a minimum of 20 feet and the proposed side yard setback is now **4.94 feet**.

Retaining wall maximum height without an engineered design is 6-feet and the proposed height is now **9 feet**.

Maximum length of a retaining wall is 25 feet, and the proposed length is now a total of **108 feet**.

SEQR: Shoreline setback and side yard setback - Type II exempt per 617.5 (c) (16).

Height and length of retaining wall - Type II exempt per 617.5 (c) (12).

Referral to County Planning is not required.

Applicant has submitted a jurisdictional inquiry and a variance from the APA is required.

The measurements provided on the original Public Hearing notice are no longer accurate, so a new Public Hearing notice has been called for.

Matthew Palitsch made a motion to close the Public Hearing for Area Variance application 2023AV-5, seconded by Burgess Ovitt. All in favor: 5, Opposed: 0, carried.

Matthew Palitsch made a motion to have a new Public Hearing on December 14, 2023, at 7:05 p.m. with the updated information for Area Variance application 2023AV-5, seconded by Burgess Ovitt. All in favor: 5, Opposed: 0, carried.

Matthew Palitsch made a motion to rescind the closing of the initial Public Hearing with the establishment of a new Public Hearing on December 14, 2023, at 7:05 p.m. with the updated information on a new Public Hearing Notice for Area Variance application 2023AV-5, seconded by Burgess Ovitt. All in favor: 5, Opposed: 0, carried.

III. Accept Minutes

Matthew Palitsch made a motion to accept minutes from March 9, 2023, and October 12, 2023, seconded by James Moeller. All in favor: 5, Opposed: 0, carried.

IV. Old/New Business

Chairman Palitsch will contact the Town Board for an update on the status of a grant that was applied for to update the Town's Zoning Ordinance and Subdivision Regulations.

Requiring APA approval prior to acceptance of a variance application as well as variances after a violation has occurred were discussed.

There will be a Public Hearing at the Town Board meeting on November 13, 2023 for a zoning change for a parcel containing multiple zones on East River Drive.

Chairman Palitsch made a motion to adjourn at 7:38 p.m., seconded by James Moeller. All voted in favor of adjournment.

Respectfully submitted,
Kristopher Kassay