

Town of Lake Luzerne

Zoning Board of Appeals Minutes

September 14, 2023

After reciting the pledge of allegiance, Chairman Matthew Palitsch called the Zoning Board of Appeals meeting to order at 7:10pm with the following present: Burgess Ovitt, Rayl Zupal, Michael Bordeau, Zoning Enforcement Officer Karen Putney, Deputy Zoning Enforcement Officer Kristopher Kassay, and Town Attorney Mary Kissane. Also present: James Miraglia, Thomas Varmette, Wayne Beale, and Debra Audette.

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

- I. New Application: 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
- II. New Application: 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
- III. New Application: Area Variance 2022AV-7
Parcel number: 286.11-1-16, RE (Residential Resort) Zone, 1.47 Acres
Location: 16 Hidden Valley Road
Owner/Applicant: Wayne Beale and Debra Audette
- IV. Accept minutes
- V. Old/new business

I. New Application: 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.

Required shoreline setback is 75 feet and the proposed shoreline setback is 47 feet.

Side yard setback requirement is a minimum of 20 feet and the proposed side yard setback is 13 feet.

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

Maximum length of a retaining wall is 25 feet, and the proposed length is a total of 82 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.

Burgess Ovitt made a motion to accept Area Variance application 2023AV-5 as complete, seconded by Matthew Palitsch. All in favor: 4, Opposed: 0, carried.

Matthew Palitsch made a motion to set a Public Hearing for Area Variance application 2023AV-5 on November 9, 2023, at 7:05 p.m., seconded by Burgess Ovitt. All in favor: 4, Opposed: 0, carried.

II. New Application: Area Variance 2023AV-6

877 East River Drive owner Thomas Varmette seeking variance for shoreline setback of existing attached deck. Application accepted and Public Hearing set for October 12 at 7:05 p.m.

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

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

Referral to County Planning is in progress.

Applicant has been advised to submit jurisdictional inquiry to the APA.

Matthew Palitsch made a motion to accept Area Variance application 2023AV-6, seconded by Rayl Zupal. All in favor: 4, Opposed: 0, carried.

Matthew Palitsch made a motion to set a Public Hearing for Area Variance application 2023AV-6 on October 12, 2023, at 7:05 p.m., seconded by Michael Bordeau. All in favor: 4, Opposed: 0, carried.

III. New Application: Area Variance 2023AV-7

16 Hidden Valley Road owners Wayne Beale and Debra Audette seeking variance for shoreline setback and length of existing retaining wall.

Required shoreline setback is 50 feet, and the current setback is 45 feet.

Maximum length of a retaining wall is 25 feet, and the current length is 45 feet.

SEQR: Shoreline 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 in progress.

Applicant has been advised to submit a jurisdictional inquiry to the APA.

Additional information requested on the design of the wall regarding the base and overall height of the wall to be submitted before the Public Hearing.

Rayl Zubal made a motion to accept Area Variance application 2023AV-7, seconded by Michael Bordeau. All in favor: 4, Opposed: 0, carried.

Matthew Palitsch made a motion to set a Public Hearing for Area Variance application 2023AV-7 on October 12, 2023, at 7:15p.m., seconded by Michael Bordeau. All in favor: 4, Opposed: 0, carried.

IV. Accept Minutes

No minutes to accept.

V. Old/New Business

Chairman Palitsch acknowledged that this is Michael Bordeau's first meeting as a full-time member of the Zoning Board of Appeals, replacing Annie McMahon who will be sworn in as a member of the Town Board at the upcoming Town Board meeting.

The Zoning Board of Appeals discussed retaining wall regulations in the Town of Lake Luzerne. The 6-foot recommendation came from former Councilman David O'Neal, but many block manufacturers recommend an engineered design for walls over 4 feet in height.

Chairman Palitsch made a motion to go into executive session at 7:44 p.m., seconded by Michael Bordeau. All voted in favor.

Chairman Palitsch made a motion to come out of executive session at 8:10 p.m., seconded by Burgess Ovitt. All voted in favor.

Chairman Palitsch made a motion to adjourn at 8:11 p.m., seconded by Rayl Zubal. All voted in favor of adjournment.

Respectfully submitted,
Kristopher Kassay